transferred to 31-Industries, reserved. This was necessitated by the appointment of an Attender on Rs. 20 for the Industrial Inspector. This was not foreseen at the time of framing the budget. I request that this may be granted by the House.

Demand put and carried.

The Cochin Court Fees Act Amendment Bill

Mr. C. A. Kunjunni Raja *(Advocate-General):* Sir, I present the report of the Select Committee on the Cochin Court Fees Act Amendment Bill. When the bill was introduced in this Council, objection was taken by the non-official members in this House that under section 28, F and G of the bill, the High Court should not be given power to frame rules with regard to valuation for the purpose of court fees and for other enactments in force. This was objected to in the Select Committee also and the Select Committee has now agreed to delete that portion and insert the word jurisdiction alone. The result is that the High Court can now frame rules only for fixing jurisdiction. That is the amendment made in the bill by the Select Committee and the objectionable feature has now been removed. No other change is made by the Select Committee. I move that the bill may be taken up for consideration.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Motion put and carried.

Clause 2 put and carried.

Clause 1 put and carried.

Title and Preamble put and carried.

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the bill may be taken up tomorrow and passed.

Motion put and carried.

The Cochin Cultivating Verumpattamdars Bill

Mr. K. Achyuta Menon *(Diwan Peishkar):* Mr. President Sir, I move that the "Cochin Cultivating *Verumpattamdars* Bill" be read in Council.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

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Mr. K. Achyuta Menon *(Diwan Peishkar):* Sir, in introducing this Bill, I do not propose to take up much of the time of the House by speaking at great length about the principles of the Bill and the main provisions contained therein. They are as well known to the members as to the Government. The Bill is the result of the realisation of the Government of the fact that the time has come for placing the relations between the landlords who receive rent and those who cultivate the land, that is people who pay rent, on a permanent enduring and juristic basis. It is the logical outcome of the policy pursued by the Government so far as the tenants are concerned for the last half-a-century, and of the recognition that the prosperity and well being of any country is inextricably wound up with the well-being and prosperity of the agriculturists. And this principle is universally conceded. There have been various Acts passed in various countries outside India and in Provinces of British India. It is not my purpose to dwell upon all these pieces of legislation. But I may be permitted to refer to one particular piece of legislation that exists in British Malabar, that is, the Malabar Tenancy Act of 1929, upon which this Bill is modelled. The history of legislation in Malabar is interesting. The legislation there had a long and chequered career. It began in 1882 and ended in 1929, with the grant of full occupancy rights to *Verumpattam* tenants. It is a very remarkable fact that the view point that ultimately prevailed was first laid down in 1882 and finally the point was referred to Logan who was a very great authority on Malabar.

It is the view that was first propounded in 1882, violently criticised in the following years and partially accepted in the Malabar Tenants Improvements Act of 1886 or 1887 and since revised, that was ultimately accepted in 1929. So far as this State is concerned, I will say, this question is not new. If the hon'ble members will refer to the Blue Book, on the Tenancy Legislation, they will find that this question was raised by the cultivating tenants as early as 1908. It was not accepted by the Government in their final order. Because it was found that in the matter of property legislation, progress should be by degrees, not by revolution but by evolution. Since then events have moved rapidly. The distinction between *Kanam* tenants of 30 years old and those who have not matured for that period has disappeared. One of the arguments incidentally advanced by the *jenmis* then as can be seen from the various minutes submitted by them was that fixity of tenure to *Kanam* tenants would be useless without fixity of tenure to cultivating tenants. Government believe that time has come for that grant also. It is this recognition that has led the Government to bring this Bill. This is the history of the Bill.

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I shall now place before the House the leading provisions and principles of the Bill. It proposes to give right of occupancy to cultivating *verumpattamdars* who are the genuine agriculturists of the State. It allows them to stay on their holdings, if they, on their part, fulfil their engagements to their *jenmis*.

There are two classes of *jenmis*, *jenmis* of the better class and those who change their tenants very frequently. So far as the first class is concerned, their tenants in effect enjoy all those privileges which are contemplated by this legislation. As a matter of fact, the better class of *jenmis* seldom resort to eviction suits. They are not affected by this legislation. It is only the other class who are affected by this. Their tenants will be really the people who will be benefitted under this scheme. They get the right of occupancy. The point is that there is an absolute right for the *jenmis* to evict and these tenants are only tenants at will. Suppose the *jenmis* want to evict the tenants arbitrarily. There is nothing to prevent them from doing so. Hence it must be realised that such tenants should be given some protection. The holdings of tenants under the better class of *jenmis* carry a market value. This legislation gives the holdings of the other class of *verumpattamdars* also a market value in the State. This is prominently necessary in view of the troublous times encompassing the agriculturists. Government hope that this principle will be acceptable to all. The grant of occupancy right is assured so long as the tenants fulfil their obligations to their landlords. This leads us on to the second main provision that is the right of the *jenmi* to get his rent regularly. One year's rent is asked to be deposited as security for the due performance of the obligation. In fact this was a prevailing custom in the old Malabar. This kind of *muppattam* generally gave birth to *kanam* according to some. Having guaranteed faithful performance, the next question is what exactly should be the rent that should be guaranteed. Provision has been made for that matter also. All that the tenant need pay is a fair rent as opposed to rack rent. It must be fair and reasonable regard being had to what the property can fetch. The existing rent is regarded as fair rent until the contrary is established. This ought to be unobjectionable. It cannot be contended that the existing rate is unreasonable. Cases where the existing rent will be more than what it actually ought to be will be rare. In cases where the rent fixed is inequitable, or low provision has been made to increase the rent in suitable cases. These are the main provisions of the Bill. Finally towards the close of the statute there is a special provision in the case of Devaswam tenants. Their relations so far as Government Devaswams are concerned, are only those of governing ordinary landlords and tenants according to the courts now. Fixity is

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guaranteed to them also by statute. That is the guiding principle of the Bill. It is realised that this Bill is not free from all imperfections. If there are any matters for modification the proper time for discussion and change will be in the Select Committee. That is the next motion that will be made by Government if the hon'ble members accept the principles of the Bill.

*Mr. P. Govinda Menon *(Mulakunnathukavu):* Sir, I have great pleasure to support the Bill moved by the Hon'ble the Diwan Peishkar. The object of this Bill as disclosed in the preamble and the statement of the objects and reasons is to allow the cultivating *Verumpattamdars* of this country freedom from two evils under which they generally suffer. The two evils are evils of rack-renting and also evils arising from capricious eviction on the part of the *Jenmies*. These cultivating *Verumpattamdars* should be considered to be the backbone of this country. Therefore any measure which seeks to relieve them should be supported and welcomed by any one who has got some interest of his country at his heart. My object in intervening in the debate is, to show, that so far as these declared objects in the Bill are concerned, there are certain provisions which militate against those objects. The object which the framer has in heart, namely, how to give relief to the cultivating *Verumpattamdars* is not achieved properly and in many cases, I fear that some of the provisions will cause more harm to the cultivating *Verumpattamdars* than good. Going clause by clause through the Bill there is first of all in clause (3) in the definition, as I understand, the object of the Government is not to do something to *Verumpattamdars* as such. I think the emphasis is on *Cultivating Verumpattamdars*. If this Bill is passed certain anomalies will follow unless the definition of *Cultivating Verumpattamdars* is enlarged. In the Tenancy Act which is now in force, *Kanamdars* whose *Kanams* are shorter in age, whose *Kanams* came into existence after 1090, are not given permanent occupancy in their holdings. If they are also cultivating *Kanamdars* I see no reason why they should not be given the same right of occupancy as *Verumpattamdars* are being sought to be given by this Bill.

I do agree that when the definition of *Cultivating Verumpattamdars* is enlarged in that way, some other consequential changes will have to be introduced in the body of the Bill. Here, *Verumpattamdar* means a tenant other than a *Kanamdar* of a holding. Therefore, a *Kanamdar* will not be included even though he is a cultivating agriculturist. I think that that is a defect in this Bill which perhaps

*Speech not corrected by the hon'ble member.

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was not in the mind of the framer when he framed the Bill. Chapter II prescribes fair rent. I agree with the Diwan Peishkar that the figures have to be worked out in the Select Committee and if the definition of fair rent given in the Bill is not all that it could be desired, this is not the proper place to make any remarks upon it. I therefore reserve my remarks on that point for a future occasion.

Now let me come to clause 11 which deals with the fixing of fair rent and the power of court to fix fair rent. With regard to the mode of fixing fair rent given in clause 11, the immediate result of passing this Bill will be as follows.—As the Diwan Peishkar was pleased to remark, there are two classes of landlords in this State. There are the so-called respectable classes under whom the tenants have got a permanency of holding even now, whose holding is a marketable security and whose holding is a covetable holding also. In such cases the immediate result of the passing of this Bill is, if the *Jenmi* puts in a petition in order to fix a fair rent, the courts are given jurisdiction to enhance the fair rent even immediately. The very next day after the passing of this Bill the landlord can put in a petition to the courts concerned to fix a fair rent. The result will be in many cases that the rent will be enhanced. But in the case of the other class of *Jenmies* to whom the Diwan Peishkar referred to, that is to say who might be rack-renting, in such cases if the tentant puts in a petition, he has not got the corresponding right to get the fair rent reduced. That is to say, if the fair rent fixed under Chapter II of this Bill is less than the contract rate, the tenant has not got the right to get his rent reduced whereas the *Jenmi* has got a right to get it enhanced. That is the result of clause 11 as it is in the present Bill. I leave it to the House whether they will accept a boon to the *Cultivating Verumpattamdars* of the State as is given in clause 11. I think there is neither principle nor equity in saying that where the landlord is entitled to ask the court to enhance the *pattam* over and above the *pattam* fixed in the contract of tenancy, the tenant has not got a corresponding right to get it reduced. As I take it, the provision regarding rack-renting is analogous to the provision regarding usurious interests and there is no reason why legislation should not intervene and enhance it where enhancement is necessary and reduce it where reduction is necessary.

Then comes clause 30 in the Bill, which was referred to and commented upon by the Diwan Peishkar in—I shall not say—a cunning, in as ingenious a way as it was given in this Bill. The apparent object of clause 30 is to give permanent occupancy right to tenants under Devaswams also. But if you will read the provision

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of the Bill and clause 30 and compare the several provisions, the immediate result will be as follows. I am extremely thankful to the Government because they have introduced this clause 30 in the Bill even if it is against the provisions of section 24 (*k*) of the Government of Cochin Act, because I am given an opportunity for discussing this question in the Council. Under section 24 (*k*) it may be a matter which ought not to have come before the Council. I am extremely thankful for the opportunity given. I think a short explanation is necessary to bring home to the House.....

Mr. President: Now that the hon'ble member has raised that point, I want to make it clear that it is not open for the Government to violate the provisions of the Cochin Constitution Act. The hon'ble member is not right when he says that we have introduced clause 30, notwithstanding that provision. In fact, the intention of the Government was, when they made this provision in the Bill, not to violate the provisions of the Cochin Constitution Act. The interpretation of that section is this—that this House is not competent simply to discuss the relation between Devaswam as a *jenmi* and its tenants as tenants. It is placed outside the purview of this House. But if the legal relations of Devaswam as *jenmi* and its tenants as tenants have to be decided by statute, then that explanation will not suffice. Therefore, I want to make it clear that the Government have not clearly violated the provisions of the Constitution Act.

Mr. P. Govinda Menon *(Mulakunnathukavu):* I never wanted to raise that point, Sir. Under the present practice in the case of incorporated Devaswams the tenants under those Devaswams have to pay 4/3 of the Government assessment upon that land. That is to say, if Rs. 3 is the Government tax, with respect to a certain land, held under an incorporated Devaswam, under the present practice, the *patta* given by Government to a tenant in respect of that holding will be for the payment of Rs. 4. We can very easily see that it is a very low rate of rent fixed for those holdings and certainly the rent so fixed will fall below the fair rent that will be computed for that property under Chapter II. The immediate effect of clause 30 and clause 11 if we take them together, is, immediately the Bill is passed there is nothing to prevent the Government or the authority concerned from putting in a petition before the court concerned for an enhancement of the rent, that is for the fixation of the fair rent and if the fair rent is below the rent fixed now, then the tenant will not get any relief. Then immediately after the Bill is passed all the Devaswam tenants in the country will have to pay enhanced rent to the Devaswam concerned. So that the Devaswam resettlement

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which was recently dropped by the Government as a result of statesmanlike act on the part of the Diwan is brought to life again by clause 30 in this Bill. That will be the result of clause 30 and clause 11 taken together. Again, take clause 30 and clause 12 together. Under clause 12 the tenant is asked to pay a *muppattam* from the date the Bill is passed into law. The result of that will be that the tenant will have to pay *muppattam* to the Devaswam and that too even in spite of the fact that the Devaswam can recover the arrears under the Revenue Recovery Act. Even so, the Devaswam will be given a power under clause 12 of this Bill to ask for *muppattam* from the tenant. hen the result of clause 13 and clause 30 (*c*) taken together will be this. Clause 30 (*c*) is to this effect.—"Suits for eviction by any Devaswam owned by Government or assumed under the Cochin Hindu Religious Institutions Act in its capacity as landlord, shall not lie on the grounds mentioned in clauses (5) and (6) of section 13". That is to say occupancy right is given. If the negative is removed and if it is read in the positive the result will be "Suits for eviction by any Devaswam owned by Government or assumed under the Cochin Hindu Religious Institutions Act in its capacity as landlord, shall lie on the grounds mentioned in clauses (5) and (6) of section 13." That will be the result. That even in the eye of Government the Devaswam tenants are treated on a par different from the tenants under ordinary *jenmis* will be seen by a Bill tabled to be introduced in this very session—I mean the Land Acquisition Act Amendment Bill which is to be moved today. Under the Land Acquisition Act Amendment Bill, the explanation to section 10 of the Land Acquisition Act is to read: "The land value of lands belonging to Sirkar Devaswams or Devaswams assumed under the Cochin Hindu Religious Institutions Act, I of 1081, shall as between the Devaswams owned by the Government or assumed under the Cochin Hindu Religious Institutions Act, I of 1081, and their tenants be apportioned equally". That is to say, even according to the Government, in the case of Devaswams and their tenants, the right in the land as against right in the improvements should be apportioned between the *jenmi* and the tenants in equal ratio. If it were the private landlord and the private tenant, the tenant is entitled to get only the value of improvements and in the value of the land, the tenant has no right. Government by this amendment recognise that there is a difference between ordinary *jenmi* and Devaswam as *jenmi*. And they seek to give equal share in the land value to the Devaswam tenants and Devaswam as landlord.

In the Statement of Objects and Reasons it is stated—"Prior to the decision in the 27 Cochin 483 the *verumpattam* tenants of the

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Incorporated Devaswams used to be paid for lands acquired under the Land Acquisition Act 40 per cent of the land value awarded". Therefore, it also follows that the present move of the Government to give 50 per cent of the land value to the tenants consists only in enhancing the proportion and not in giving a new right to the tenants. From time immemorial, ever since the Land Acquisition Act was passed in this State, tenants were getting 40 per cent of the land value and the Devaswams getting the balance. In 27 Cochin 483 a certain decision happened to be passed which according to very learned jurists is not correct. The attempt now is to give a statutory recognition to the incorrect statement of law laid down in 27 Cochin 483 where it is stated that the relationship between Devaswam and its tenants is one of ordinary landlord and tenant. Why I say it is not correct is because even as long ago as 1083 another Full Bench of the same High Court has given a decision to the opposite effect. In 27 Cochin 483, this earlier decision by another Full Bench was not brought to the notice of the High Court. Now that the matter is being discussed and especially when the Diwan President is also present—who has encouraged us by his gracious act in dropping the Devaswam re-settlement before—now that the matter is here, and feeling that if I do not read this here it will not reach the notice of the Diwan—with your leave, Mr. President, I would refer to that decision. That decision is in 4 Select Decisions 591 also a Full Bench case. That was a suit by a private party against the Government and the Government in that case contended as follows. On page 592, it is said "The defendant (that is, the Cochin Sirkar) denied the liability to refund the amount and pleaded that the plaint and other Devaswams were treated since the year 989 as part of the *pandaravaka* property, that the rent and *michavaram* due in respect of such incorporated Devaswam lands were levied in pursuance of the rules relating to the collection of Government revenue, that the Sirkar has right and authority to raise the rent of the lands of the said Devaswams as it has in respect of lands of *pandaravaka* and other *jenms*.

"The District Judge dismissed the suit and the plaintiff has preferred this appeal.

"The main point for decision is whether in respect of lands of incorporated Devaswams the Sirkar stands only in the same position as any other *jenmi* or whether it can exercise the same powers which it has in respect of *pandaravaka* lands and recover the rents and *michavaram* of such properties according to rules adopted for recovering Government revenue.

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"Exs. A to H, receipts show that the amount in question was collected under various heads treating the whole as land revenue. The question is whether the Sirkar has a right to do so.

"It appears from exhibit XXXIII, Proceedings of the Diwan dated 20th October 1905, that at the suggestion of Colonel Munro the properties of certain Devaswams including the (plaint Devaswams) were taken over by the Sirkar and the receipts of the said Devaswams credited to general revenues. This was done so long ago as 30th Mithunam 989. In para 3 of the said Proceedings it is stated that as regards the Devaswam lands within Cochin State they are treated in the same manner as other Sirkar lands and the collection of rents from the tenants is enforced under the customary law for the collection of State land revenue. In the sub-section to para 5, no doubt, the Diwan has stated that there was no intention at any of the previous settlements to divest the Devaswam lands of their *puravaka* tenure and consequently in the new settlement so far as Sirkar demand is concerned they have been settled as *puravaka* lands."

Mr. President : Are *puravaka* lands *pandaravaka* lands ?

Mr. P. Govinda Menon *(Mulakunnathukavu):* Yes. That is to say, *puravaka* right is the *jenm* right. There was no intention on the part of the Government to divest the Devaswams of the *jenm* rights but with all that the tenants were treated as *pandaravaka* tenants. That is the decision in 4 Select Decisions that I have quoted. I may, for the information of this House, at once refer to the fact that this case was decided in 1083 or 1084, and the Devaswam Settlement Proclamation followed in 1085. Then the question to be decided was whether the Government or His Highness has consciously departed from the statement of law as laid down in 4 Select Decisions 591. It is not enough to say that the Devaswam Proclamation followed in 1085 and this decision was passed in 1084. The question for consideration is this: Here is a Full Bench decision of the High Court. There it is stated that the tenant has got a permanent occupancy right and the Government has also got a corresponding right to increase the rent. That is the meaning of that decision. The question for consideration is whether when the Devaswam Proclamation was passed in 1085, the express statement of the law laid down in this case has been departed from. According to me it is not so. A reference to paragraph 9 of that Proclamation will show what all Government have to do in that matter. Government has been given several powers and the power to evict a tenant is not one of them. "Our Diwan may with Our sanction previously obtained from time to time frame such rules as he may

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deem necessary carrying out the main object and scheme of this Proclamation. All such rules when published in the Sirkar Gazette shall have the same force and validity as this Proclamation. Such rules may amongst other things regulate the renewals, prescribe the mode of collection of the rents as well as rates of rents to be payable by tenants, and procedure to be followed in the fixing of such rates and the settlement of rents, and also provide for such other matters as may be necessary for securing efficiency and uniformity in the administration of the landed properties belonging to all Devaswams." I lay emphasis on the fact that where rules have to be framed for renewals and speedy collection and for administration of Devaswam lands, nothing is mentioned about rules regarding eviction. Therefore, I submit that after the rule of law has been laid down in 4 Select Decisions 591 by a Full Bench, the Proclamation followed and there also nothing is mentioned about eviction. I do admit that nothing is also mentioned in the Proclamation about the permanent occupancy. What I submit is that this decision has not been cited in the later decision in 27 Cochin 483, and had it been cited, I do not know what the decision in that case would have been. Whatever that may be, there are these conflicting decisions and my complaint so far as this Bill is concerned, is, that this Bill seeks to make into law what has been laid down in 27 Cochin 483. When two or three years back another Bill to the same effect was introduced in this House by my friend Mr. Ezhuthassan, Government opposed it, among other things, on the ground that no necessity had been made out for such a Bill. The then learned Government Advocate argued vehemently that there was no capricious eviction and no rack-renting in our State. Whether what he stated was correct or not with respect to ordinary landlords in our State, I can assert on the floor of this House and I am sure Government will not deny that so far as Devaswam is concerned, there is neither rack-renting nor capricious eviction. So long as Government does not make out a case for legislating with respect to Devaswam lands, I humbly submit that there is no reason why clause 30 should be in this Bill. Now, clause 30 goes against the statement of the objects and reasons given in this Bill. The Bill itself is for protecting the interests of cultivating *verumpattamdars*. But when it came to clause 30, cultivating *verumpattamdars* alone will not be sufficient for giving power to the Devaswam to enhance the rent. Therefore in clause 30, it is stated that the *verumpattamdar* shall for the purposes of this section mean a tenant other than a *kanamdar* of a holding for agricultural purposes. So that it is necessary for clause 30 that the *verumpattamdar* should be a cultivating *verumpattamdar*. That is to say, Government by a sweeping clause, clause 30 (*a*), wants

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to make the provisions of this Bill applicable to tenants of Devaswams whether they be cultivating *verumpattamdars* or non-cultivating *verumpattamdars*. If that is so, I do submit before the President, Sir, that sub-clause (*a*) to clause (30) gives a clue as to what the intention of the Government is in bringing this provision. The intention of the Government in introducing clause 30 is not the intention given in the statement of objects and reasons—to give relief to cultivating *verumpattamdars*—but to pass a law to the effect of removing doubt, if any, in the matter of the relationship existing between Devaswam and its tenants. Therefore, it is that in clause 30 (*a*) it is stated that for the purposes of clause 30 *verumpattamdar* means not only cultivating *verumpattamdars* but all sorts of *verumpattamdars*. So that with respect to Devaswam landlords alone, they can come under clause 11 and pray for fixation of fair rent under clause 12 and ask for *muppattam*. All the other provisions are against tenants even though those tenants are cultivating *verumpattamdars* or not. Now look at the statement of objects and reasons. How innocent and benevolent it is. Contrast it with the far reaching implications of clause 30. "The question regarding the status of cultivating *verumpattam* holders in the State has been engaging the attention of Government for some time and Government have after giving the matter their best consideration come to the view that this class of tenants must be given permanency." Therefore with that object, when a Bill is introduced, I do submit before this House that clause 30 goes beyond the scope of the objects and reasons given in the Bill as also the preamble. Therefore, I take this earliest opportunity to impress upon this House that clause 30 is not in the best interests of the tenants of the State, either cultivating or non-cultivating, and I also request Government to reconsider the attitude they have taken. I request the Government to also consider the implications of the Land Acquisition Amendment Bill which they are introducing today. In that, there is a commitment on the part of the Government that the Devaswam tenants stand on a footing quite apart and different from the tenants of other land lords because in the soil they are given half the right when it is acquired by Government. I also request the Government to reconsider their attitude in this matter. In any event whatever the Government may think the law on the matter is, I do submit on behalf of the large thousands and thousands of Devaswam tenants as such in the land that they do not require this kind of help from a legislation. They have implicit confidence and faith in the *bona fides* and good intentions of the Government and they believe that even if there is no provision akin to clause 30 in this Bill the Devaswam department will not go to evict the tenants from their holdings, because, after all, the Devaswam does not require the land for

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cultivation. Therefore as far as devaswams are concerned, we leave it to the good sense and the kindness and considerations of public policy of Government to treat them properly. With these few observations, I support the main provisions of the Bill.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur)*: Mr. President, Sir, I must congratulate the Hon'ble Member for Revenue for taking us through the elaborate detail of the history of the legislation of *verumpattam* tenancy in British India. As he was taking us through the history, he was trying to prepare us for a huge compromise in which the tenant is to give up many of his rights and take more liabilites than he is shouldering today. He said that after the pronouncement of the opinion of Logan, there were several compromises to that view and they arrived at the present legislation which is now in British India as a result of compromises. At that moment in his mind was working sections 10, 11, 12 and 13 which are incorporated in the present Bill. Apart from nominally giving permanency of tenure to the tenant, there is absolutely no other provision in this Bill which gives any relief to the tenant with regard to any other duties or liabilities. Chapter II of the Bill seeks to lay down what is fair rent. What has been laid down as fair rent is fair only from the stand-point of the jenmi and not in the interests of the tenant. Fair rent if it is put to any jenmi as fixed in the Bill is fair from his view point and not from the view point of the large majority of the *verumpattam* tenants in the State. If it is taken as a principle that the present rate of rent will not be reduced in any case, then, I humbly beg to state that we cannot agree to that principle which is sought to be incorporated in the Bill. To that the Hon'ble Member for Revenue may say that even in the case of Government they have got a right to enhance the tax payable to Government at the expiry of a certain period. I humbly beg to submit that that argument will not hold water when the matter is with regard to *verumpattam* tenants holding under the several jenmies in the State. Chapter II gives the jenmi always a right to get the rent enhanced if it is below the rate of fair rent fixed in the Chapter. With regard to details, as the Hon'ble Member for Mulakunnathukavu stated, we do not propse to enter into them because they can be altered in the Select Committee. But if it is a principle that fair rent cannot be reduced from the rent that is payable during the agricultural year of 1113, we do not accede to that principle. There are other clauses also in the Bill which are equally objectionable. Clause 29 of the Bill which gives the jenmi a right to ask the Revenue Department to collect the *pattam* under the Revenue Recovery Act is also highly objectionable. As I submitted, the only principle is

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giving fixity of tenure, but all the burdens of the tenant are increased. We have had an example of compromise like this during the last session when the agriculturists were given relief with regard to arrears of *pattam;* they were also asked to pay the current rent on the dates fixed in the *verumpattam* deed or the *kanam* deed as a condition precedent and the result is that the relief given is a dead letter, if I may say so. Actual relief is not obtained by a majority of the tenants. This method of compromises cannot be endured any longer (*Laughter*). I am of opinion that we will not enter into such compromises without thinking more in future.

The House rose for lunch at 1 p.m. and re-assembled at 2-30 p.m. with the Hon'ble the Deputy President in the Chair.

Mr. M. K. Devassy *(Adur):* Mr. President, Sir, I rise to support the motion moved by the Hon'ble Diwan Peishkar for the introduction of the Cochin Cultivating *Verumpattamdars* Bill. In doing so, I think, I will be failing in my duty if I do not convey the grateful sentiments of the tenants of my constituency to the Government for the bold, though belated decision which is taken to invest the *Verumpattamdars* with fixity of tenure. I believe, I will not be castigated an ultra-radical or socialist when I say that in spite of the conflicting theories of western writers like Hobbes and Locke explaining the preponderance of the stronger over the weaker sections of humanity, or the diverse theories regarding the rights, origin and development of private property or again the mythological narrative of the holy Parasuram's redemption of Kerala from the sea and making a gift of it to a blessed Community, I am really at a loss to find out the mysterious origin and much less the justification of a social order in which a handful of people appropriate to themselves, for no sweat of their brow or no intelligence of their own, a major portion of the landed property in the world leaving little or nothing to the rest. Of late there has been a feeling which has been receiving intensity in a greater and greater degree, as time passes by, to find out a real remedy to this problem. While a radical section of the tenants have been feeling that this institution of landlordism with its potentialities of destroying the tenants if they should be ended in toto, the landlords in their turn think that any legislative enactment which is meant to curtail the liberties of the landlord and to ensure and safeguard the rights of the tenant is an act of expropriation on the part of the Government. Between these two radical sets of thinkers, there is a moderate school of thought who think that while a corrupt and high-handed landlordism should be curbed and if necessary ended, a healthy landlordism, a benevolent landlordism is an institution that ought to be encouraged by the Government and the people.

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The question, therefore, is how far the legislations of the past and the present and the present Bill before the House succeed in achieving this golden mean, which is upheld by this school of thought. I think Sir, that as has been remarked by the Diwan President himself, the law of tenancy all over India as well as Cochin had a chequered career. I do not wish to dwell at length on the history of this legislation. Suffice it for me to say that so far as the idea of investing *verumpattamdars* of the State with fixity of tenure is concerned, one is rather surprised to note that we are trying to imitate a law that is now undergoing changes in Malabar. Though the idea of fixity of tenure was conceived in the year 1090, at the time of considering the Tenancy Bill and though as early as 10 years after that when Sir M. Krishnan Nayar mooted this point in the Madras Legislature, this idea received a new impetus which culminated in the passing of the Malabar Tenancy Act of 1930 and although in 1113 a new Tenancy Bill was discussed and passed in this House, it is still a mystery why the idea of giving fixity of tenure to *verumpattamdars* had not been receiving sufficient attention at the hands of the Government. I would believe that but for the influence of the Diwan in this matter probably this bill would not have found the light of the day. I believe, Sir, that while congratulating the Government on the introduction of this Bill it is for us to remark that there are several undesirable provisions in the Bill, which if not properly remedied, will do more harm than good to the tenant and it will be the earnest endeavour of this House to point out to the Government the necessity for properly dealing with these sections and to find out a remedy for them, before the Government would expect an unqualified support from this House for this Bill.

I would start now with Chapter II dealing with fair rents. The scheme of the Bill, as has been conceived is based on two important conceptions. One, the idea of fixity of tenure and secondly, the fair-rent provision of Chapter II. Now, as has been remarked by the previous speakers here, one is surprised to find sub-clause (2) of clause 11 which says that so far as the determination of fair rent is concerned, if the fair rent will be anything lower than the existing rent, it cannot be modified. I think, Sir, that this sub-section to section 11 makes the whole of Chapter II as some sort of a trick played through the back-door, to call something that is very *unfair* by the holy name of *fair rent*. Where one cannot expect fairness in the sense that both parties can have equal justice, one cannot also expect the legislature to support this one-sided fairness so strongly advocated, by this sub-clause of section 11 and which nullifies the whole effect of Chapter II. Now, assuming that

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fair rent is to be fixed according to Chapter II, it is up to this House to question the necessity for interfering with the existing rent so far as the tenants are concerned. One can well understand a provision for enhancing or reducing rent if there is a new reason for it. It has to be presumed from the very outset that no landlord will ever let out his land to another unless he gets a proper rent. Therefore the initial presumption ought to be that the existing rent is the fair rent. If that is the presumption then there must be an additional reason for the legislature to consider before it makes up its mind to make a provision for increasing the rent. I would say there is a probable reason. The reason is that now you are depriving the landlord of the right to evict the tenants. In so doing the landlord should be in a position to realise from the property held by the tenant a share of an increase in the produce which arises by virtue of the additional improvements as time passes by. So that the only purpose for which the fair rent has to be revised is for the purpose of enabling the landlord to get a share in the increased produce of the land, consequent on the increase in the improvements which the holdings may have in future. If that is so, I fail to understand the necessity for a revision of the rent unless a certain period of time has elapsed and unless there have been new reasons which would provoke a revision of the rent. Therefore, Sir, at the very outset, I have to remark that so far as Chapter II is concerned absolutely no case has been made out for a blind enhancement of the rent from the date of the passing of this Act. Assuming that this conception which I have been explaining to this House is true, the question is whether that has to be achieved by Chapter II or by some other provision. Now, Sir, I have to remark that so far as Chapter II is concerned, it is more or less an ugly copying of the fair rent provisions of the Malabar Tenancy Act. So far as I can see, to serve the purpose which I have set in view, it is sufficient if we give effect to section 34 of our Tenancy Act. That section says that the *pattam* may be proportionately enhanced on the following conditions namely, in case of an increase in the area of the holding actually under cultivation, secondly, where the productive power of the land comprised in the holding has increased on account of specific causes, thirdly, where the land demised is a *paramba* and the number of trees in the holding has increased and fourthly the average price of the produce has increased. These are the four conditions under which according to the existing Tenancy Act we can enhance the rent. Now, the question is whether an application of section 34 of the Tenancy Act with due regard to these conditions so far as *verumpattam* tenants are concerned, will not satisfy the purposes in view. My submission before the House is that unless

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we have such strong reasons to adopt an artificial method of calculation as contemplated by the Malabar Tenancy Act it would be much better that we rely on the provisions of our Tenancy Act the effect of which has been tested and verified for many years. I would expect that our Government consistent with its conservative policy and the conservatism which has been responsible for holding back the fixity of tenure for all these 9 years ever since the passing of the Malabar Tenancy Act would do well in retaining section 34 of the Tenancy Act instead of Chapter II of our present Bill. Assuming that the Government and the House are of opinion that we should have a fair rent Chapter in the form of Chapter II I would like to point out some of the vital differences that exist between the fair rent chapter of the Malabar Tenancy Act and Chapter II of the bill. I point out this for two purposes. One purpose is that though my hon'ble predecessors who spoke on the subject have not thought it advisable to deal with it *in extenso*, I think, that it will be a guide for the Select Committee. Secondly, my purpose in pointing out these differences is to show the real difficulty that exists in assessing the fair rent. According to me it would be proper that this House leaves the matter to a Select Committee not like the ordinary Select Committees who have not got the liberty of taking evidence.

Mr. A. V. Moothedan *(Chalakkudi):* The Select Committee has got the liberty of taking evidence.

Mr. M. K. Devassy *(Adur):* I am referring to some of the proceedings of this House in connection with the Agriculturists Relief Bill. While formerly it was the custom in this House that the Select Committee can have the liberty to take evidence so far as the Bill before them is concerned, it has been ruled by the President with the consent of the House here that unless the House specially directs when the Select Committee is appointed, it is not open to the Select Committee to take evidence. My purpose in dealing with this matter, therefore, is to show that unless the Select Committee tours through the different parts of the State and comes into contact with the different types of tenants and the different terms of their holdings it will be extremely inadvisable for that Select Committee to sit like armchair politicians and to deal with such important topics. I think as I go through this chapter and compare the provisions of the Malabar Tenancy Act, I will be in a position to convince this House of the necessity of Select Committee taking evidence.

Now, Sir, one of the main differences that I find between the Malabar Act and our Bill is in section 5. Section 5, sub-clauses (*a*)

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and (*b*) would have it that in the case of "fair rent on dry lands converted into *nilams* by the tenant's labour it shall be in addition to the revenue payable to Government and the cess or tax payable to local bodies or municipalities and any *puravaka* dues payable to the landlord be....."

(*a*) for a period of 20 years from the year in which the first wet crop is raised on the land, one-fourth of the difference between the annual gross paddy produce of the land and three times the seed required for the said land for an agricultural year, and

(*b*) after the expiration of the said period of twenty years one-fourth of the difference between the annual gross paddy produce of the land and 2½ times the seed required for the said land for an agricultural year."

Now, let us compare this section with the section of the Malabar Tenancy Act. In the place of this one-fourth share of the landlord, in the Malabar Tenancy Act one-fifth is provided. Thereby section 5 of our Bill has actually pilferred 5 per cent from the tenant and given it over to the landlord. It does not stop here.

Section 7 deals with the fair rent of *parambas*. It would have it that where the improvements are those for which the landlords need not pay compensation according to our Bill the share of the landlord is 75 per cent or three-fourths, while according to the Malabar Tenancy Act it is 2/5ths instead of 3/4ths. A similar change is also to be effected so far as trees the value of the improvements of which have to be paid by the tenant, *viz.*, trees which have been planted by the tenants. In that case, instead of 1/5th which is the share of the landlord our Act would have it as one-fourth. It would appear that apparently these differences are of no value at all. But I think by a reference to the facts, the income and the annual net produce of the land I would be able to show to this House the effect of this change. I have been at some pains to work out some of the facts and figures that have been supplied to me by some of the Tenants' Associations of the State. From a working out of these facts, I am inevitably led to the conclusion that, if section 7 of the Act is given a free play, it would result in a loss on the part of the tenant to a very appreciable degree. These accounts that have been supplied to me would show that in one acre of cocoanut plantations the average number of trees that would stand is 80. For these average number of 80 trees on calculating 50 nuts per tree, the total yield will be 4,000 cocoanuts the value of which at Rs. 25 per thousand will come to

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Rs. 100. Out of this gross annual produce of Rs. 100 according to the Malabar Tenancy Act, the total expense will come to about Rs. 58—8—8 and out of this balance, if you take the gross income, the Malabar Tenancy Act would give Rs. 40 to the landlord and Rs. 60 to the tenant, that is 2/5ths proportion adopted in the Malabar Tenancy Act. Here instead of 2/5th we give 3/4ths. The result is that where the tenant has to pay Rs. 40 out of Rs. 100 under the Malabar Tenancy Act, under our Bill he has to pay Rs. 75 out of Rs. 100 to the landlord leaving Rs. 25 to the tenant. Out of this Rs. 25 which he gets out of the gross annual produce, he has spent as we have found Rs. 58—8—8 for the maintenance of the property. So that the working of our Bill would result in a loss of Rs. 33—8—8 to the tenant who holds a property of one acre of cocoanut plantation while according to the Malabar Tenancy Act he is at least entitled to a profit of Re. 1—7—4. This is the calculation of the actual working of section 7 of our Bill. I am even prepared to admit that probably out of anxiety of those people who supplied these accounts there might have been some exaggeration. But even leaving the maximum room for exaggeration, out of this Rs. 33 which is calculated a loss to the tenant, I ask this House how much we can set apart for exaggeration? You may set apart 50 per cent on 60 per cent. Still he is a loser. Therefore my submission before the House is that if section 7 of Chapter II is given a free play, as it stands our tenants can well afford to give up the idea of permanency of tenure for a thousand years than to welcome a provision which makes them lose Rs. 33 and odd on Rs. 100. So that I was at pains to convince the House that the differences that exist between the Malabar Tenancy Act and our Bill are real differences which go to the root of the matter and they will impoverish the tenants, if section 7 is allowed to remain as it stands. I am even more surprised to find that there are certain dangerous concealments in section 7 when compared with section 7 of the Malabar Tenancy Act. That section makes a difference between ordinary plantations and plantations like arecanut trees. In the case of arecanut trees the Malabar Tenancy Act would fix the proportion of the landlord at one-sixth instead of one-fifth in the case of cocoanut plantations while our Bill makes no distinction between arecanut and cocoanut plantations. Here they forget the whole thing just as a cat shuts its eyes while sipping milk. They have fixed one-fourth in both cases. I would think, Sir, that this policy of copying a certain Act and convincing the House that it is an exact replica of another Act that is accepted in Malabar is not a very sound policy which would go uncontradicted on the floor of this House. Sir, there are one or two important aspects of the Bill to which I would like to draw the attention of the Government. That is, the

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conditions or terms on which a landlord can evict a tenant. In copying these conditions, we find a strange and curious twisting of the whole of the Malabar law so far as the Nayar community is concerned. Those of you who have read explanation to section 13 will find—I shall read sub-clause (5) first—"that, at the end of an agricultural year, the landlord requires the holding *bona fide* for his own cultivation or for that of any member of his family or *tarawad* or *thavazhi* or who has a proprietory and beneficial interest therein." We can well understand this section when we come to the explanation towards the end of that section. The explanation says—"The wife or husband and the children of the landlord shall be deemed to be members of the landlord's family having a proprietory and beneficial interest in the holding." Now, Sir, let us see the provision in the Malabar Tenancy Act.

It is enough if I say that this explanation is totally absent there. What is the result of the explanation ? The result is that in the case of a member of a Nayar tarawad, he can evict a tenant for the purpose of every member of that tarawad, for the purpose of several relations of that tarawad. Not only that. He can evict the tenant for the purpose of somebody in another tarawad with which the conception of Hindu Law has no place at all. The difference is while in the case of a member of a Christian community or Ezhuva community has a right in his own family alone—he has no right in his wife's family and his children have no corresponding right in their mother's family—the Malabar law gives a right to the children of a woman of a certain tarawad in her family. That is the difference. Now by this section, you want to give a double right to these people both in their house and in another house. The result is that if a member of a Nayar tarawad is not in a position to evict a tenant for any necessity of the members of his family, he can induce any member of his wife's family, an entirely different tarawad to evict the tenant. So that my submission before the House is that this explanation which has no precedence anywhere, which strikes at the very root of the fundamentals of the Malabar Law has no place here. Even this sub-section (5)—as I find in an article written by Mr. Ambadi Sankara Menon, a person on whom we can very well rely as a proper critic of Tenancy Law—he says that this very section in itself is very suspicious and dangerous, and that the abolition of this section would be much better. When he thinks so, how much more should we be alarmed when we find the explanation of this section which enhances the scope of that sub-clause. Therefore Sir, I would think that in considering section 13 of the Bill this explanation has to be deleted in toto.

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Another change which we find compared to the Malabar Law is in section 14. If a landlord evicts a tenant for the purpose of his own cultivation and if he gives that land for cultivation to another within 6 years, then the tenant has the corresponding right to sue for the recovery of that land and get possession of it. So, at least for a period of six years the landlord is compelled to cultivate the land himself. When we come to our Bill, this "six" is simply halved to "three". Nobody knows how it came to be. The result is that the landlord is in a position to see that he gets possession of the land in the fourth year. He can very well defeat the tenant and give it to somebody else.

There is one section—section 28—in the Malabar Act which does not find a place here. That section says that so far as the necessity for fixing a fair rent is concerned, the rent existing on the date of the passing of the bill will be supposed to be the fair rent for a period of 12 years and only after 12 years, you can revise that rent. So that when this Bill came into law they had at least one consolation. Whatever be the effects of this artificial method of working out fair rent, there is one consolation, that the rent that was existing then will continue to be the same at least for a period of 12 years. At least that safeguard has been given up by the Government in drafting this Bill. Therefore, in dealing with this fair rent chapter, Chapter II, I would seriously suspect that the Government had not a very holy idea in view. Government think that probably this is an occasion to please the landlords to give them something which probably they do not expect by pleasing the tenants equally by white-washing them with the word of "fixity of tenure". This seems to be true when I read the memorandum prepared by the people in Chittur under the able leadership of Sir C. V. Ananthakrishna Ayyar. I happened to read in that memorandum that the Government while taking away some of the rights of the landlords,—since the landlord has an undisputed right in that land— have naturally and reasonably to fix a compensation for fixity of tenure. When they are giving a right to the tenant which the landlord has otherwise got, the landlord should get a corresponding right of getting some compensation for the fixity of tenure. I think that if that memorandum has been drafted, after the drafting of this Bill, it is a superfluous chapter in that memorandum, because, so far as the Bill is concerned, the Government have given the landlord more than the compensation that the landlords would expect. I say if a person like Sir C. V. Ananthakrishna Ayyar stands for a cause.....

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Mr. C. A. Kunjunni Raja *(Advocate-General):* So, you say that the memorandum was drafted before the Bill.

Mr. M. K. Devassy *(Adur):* I even suspect that. In fact I want to tell you something on that I say that if a person like Sir C. V. Ananthakrishna Ayyar.....

Mr. A. Eachara Menon *(Chittur-Rural):* Is his name there?

Mr. M. K. Devassy *(Adur):* It has been reported in several papers that that gentleman presided over the meeting.

My hon'ble friend will understand that I am speaking with due deference and respect to that personality. Don't be under any misapprehension that I am slighting him. If he stands for a cause, it is up to him to advance cent per cent argument for the stand he has taken. Why should my hon'ble friend doubt my *bona fides*. So that what I submit is that if, as a matter of fact, that memorandum has been drafted after this Bill has been drafted and published in the Gazette, we cannot see the purpose of that paragraph there. Our Bill gives the landlord more than the compensation which even in their dreams they would not have expected. I say that in relation to fair rent. I submit that unless the fair rent clause is radically modified, we, for one, cannot afford to sell the rights which the tenants enjoy now for this glamour of fixity of tenure. Let that be clearly understood.

I had promised the Advocate-General to speak something more of this Chittur memorandum. What I really want to say is this. There is an experience which probably all parents would have had that when the father wags a cane even before he beats the child, the child begins to cry. He has not suffered the blow at all. Now there are some parents who want to test the presence of mind of their children, who will cross-examine them why do you cry? I did not beat you. Then the child says that he cried to avoid the blow. From what has happened at the time of the introduction of the Cochin Agriculturists' Relief Bill and the introduction of this Bill, I am tempted to believe that there is an atmosphere created in the Cochin State which makes us believe that long before the blow comes, whether the blow is meant or not, some interested parties should make a cry and the cry will have the effect of keeping back all progressive amendments of the legislation. This seems to be the object of this memorandum and this propaganda. I would ask those people who have prepared this memorandum, Sir, in what manner can they say that this is an anti-*jenmi* legislation? If it gives to the tenant one-hundredth of the right, it gives to the landlord, I would say, a much larger proportion of income and a much larger security. If therefore this Bill can be construed to be in any way benefitting

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the tenants, unless it radically changes the provision with regard to fair rent of the Bill as it is, I would take it as a boon to the landlord. And if it is a boon, I think it is a double-argument to support what I said that these people are making a cry for nothing.

Now one or two more ideas, I would like to throw before this House. One is regarding the provision to deposit *pattam*. So far as this matter is concerned, it is a very sound argument to say that when the landlord gives fixity of tenure to the tenant, he must have a corresponding security for the realisation of the dues on the land. I would like to read in this connection a passage from the Select Committee report on the Malabar Tenancy Bill dealing with the provision of deposit of *pattam*. They say "We do not see sufficient reason for limiting such as the insistence on the deposit of cash or security for one year's rent would practically be tantamount to a denial of fixity of tenure which it is the intention of the Bill to grant and as the landlord is to be given under the Bill new facilities for the recovery of the rent, we have deleted all provisions relating to security." This is the recommendation of the Select Committee. I think there is considerable weight in the argument advanced by the Select Committee. I will illustrate the case before the House where we have got 2 items of property. One item, which is capable of being improved and where improvements have been effected by the tenant and another item like paddy fields in which no other improvement can be effected. In so far as lands where improvements can be effected and where there are improvements, I cannot possibly see any reason why there should be a deposit of one year's rent, because even if the tenant defaults payment of the rent, it can be realised from the value of the improvements and that problem will not be solved—the necessity to approach the court, the necessity to enforce the security will not be solved by insisting upon the deposit of that year's *pattam*. Even then litigation is necessary. So that the real point is that absolutely no purpose is served by insisting upon a security of one year's rent so far as those properties where there are improvements are concerned.

Now there are the other set of lands, *nilams* where there are no improvements. The question is whether this Bill changes the position of the landlord in any way. What is the landlord's right now? If the tenant does not pay one year's *pattam*, he has to sue for the arrears of *pattam*, whenever he likes. There is no security at all, absolutely no security. And what is the change effected by this Act? It gives them fixity of tenure. That fixity of tenure is lost if he does not pay the current year's *pattam*, so that my submission is that so far as this Bill is concerned, there is absolutely no difference

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between the landlord's position previously and the present position. So far as the *verumpattamdar* of the *nilam* is concerned, there is absolutely no change. If he does not pay the current year's *pattam* he loses the permanency of tenure. So that I don't find any additional reason to insist upon the deposit of current year's *pattam* or the security for that purpose, because there is absolutely no additional reason or additional circumstance which has been brought about by the introduction of this Bill. The only purpose that the insistence on deposit of *pattam* serves is to defeat the tenant of the boon which this Bill proposes to give. To put the tenant in the troubles and probably more worried about the anxiety to furnish security of depositing *pattam* rather than concentrating the attention on the cultivation of his lands, is really hard. I should honestly think therefore that the insistence of the deposit clause will actually eat into the vitals of this Bill and take away from the tenant with one hand what the Government proposes to give them with the other.

One more suggestion that I would like to make is with regard to section 2 of the Act. Section 2, sub-clause (3) would take away from the purview of this Bill any building site within a municipality. I am going to present before this House a new case. The case is that in a municipality like Trichur most of us have received representations from them and I think that they are also preparing some memorials. There what has happened is that the tenant takes a lease of a certain property, the lease deed expressly stating that buildings may be constructed, or that property may be cultivated. Most of them are poor people and they construct small buildings there. The result is, the landlord is increasing the rent and if they do not succumb to it, he is at once evicting them, because he has got other people to take it. My submission is that this blind eviction of these people who have constructed buildings at their own cost and under the express terms in the lease deed, will work out real hardship to them. It is to deprive such classes of tenants of the benefits of this Bill that this sub-clause (3) to section 2 has been added on here. So far as the Malabar Tenancy Act is concerned, I do not find any corresponding clause there. The only clause which deprives people within the municipalities of the benefits of this Bill is this: "Nothing in this Act shall apply to any building owned by a landlord including a house, shop or warehouse, etc." So that this covers cases only where as the Hon'ble Diwan Peishkar said some time ago when Mr. Eachara Menon moved this Bill that this sub-clause in the Malabar Tenancy Act would take away from the purview of this Bill those buildings that are owned by the landlord and have been rented out to the tenant. This does not exclude buildings constructed by tenants and the express provisions or the lease. Now, the building

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as the one mentioned in sub-clause (3) of section 2 would include these building sites where buildings are constructed even at the cost of the tenant. I submit that the inclusion of this clause here would work out real hardship to that class of tenants who have constructed buildings at their expense and for whom there is no reason why fixity of tenure should not be extended. Before I conclude, Sir, I only which to make a concluding remark in the light of what my Hon'ble friend Mr. Govinda Menon has said, *i.e.*, with regard to the Devaswam tenants.

Mr. Deputy President: The Hon'ble Member's time is over.

Mr. M. K. Devassy *(Adur):* I am afraid I have taken a long time.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഒരു കൃഷികരാജ്യമായ കൊച്ചിയുടെ നട്ടെല്ല് യഥാർത്ഥ കൃഷിനടത്തിപ്പുകാരായ കർഷകന്മാരാണെന്ന ശവമ്മെണ്ടിനു ബോദ്ധ്യമുള്ളതുകൊണ്ടോ, അവർ വളരെ കഷ്ടപ്പാടുകൾ അനുഭവിക്കുന്നുണ്ടെന്നും അതിനൊരു നിവാരണമുണ്ടാക്കേണ്ടതു ശവമ്മെണ്ടിന്റെ കടമയാണെന്നുള്ള ബോദ്ധ്യംകൊണ്ടോ, ഇതു രണ്ടുമല്ലെങ്കിൽ അനുദ്യോഗസ്ഥപക്ഷത്തുനിന്നു പലപ്പോഴും വെറുമ്പാട്ടക്കുടിയാന്മാരുടെ കാര്യം പറഞ്ഞു നിയമ സഭയിൽ അനുദ്യോഗസ്ഥ മെമ്പർമാർ ശവമ്മെണ്ടിനെ ബുദ്ധിമുട്ടിക്കുന്നതുകൊണ്ടോ എന്തുകൊണ്ടുതന്നെയായാലും അതിനൊരു നിവാരണമുണ്ടാക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി ശവമ്മെണ്ടിൽനിന്നു് ഇപ്പോഴെങ്കിലും ഒരു ബിൽ കൊണ്ടുവന്നതിൽ ശവമ്മെണ്ടിനെ അഭിനന്ദിക്കുന്നു. (ഹിയർ, ഹിയർ).

കർഷകന്മാർക്കു വളരെ രക്ഷയോടുകൂടിയ ഒരു ബില്ലാണു് ഇപ്പോൾ ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ളതെന്ന പ്രഥമദൃഷ്ടിയിൽ തോന്നും എന്നുള്ളതു് സമ്മതിക്കാതെ നിവൃത്തിയില്ല. ഇതു മലബാർ ടെനൻസി ആക്ടിന്റെ ഒരു വകഭേദമാണെന്നും അതിൽനിന്നു വലിയവ്യത്യാസങ്ങളൊന്നും ഇതിൽ വരുത്തീട്ടില്ലെന്നും ബില്ലിന്റെ മുഖവുരയിൽ പറഞ്ഞിട്ടുണ്ടു്. പക്ഷെ സൂക്ഷിച്ചുനോക്കുമ്പോഴാണു് ഇതിൽ ഒളിഞ്ഞു കിടക്കുന്ന അപകടങ്ങൾ കണ്ടെത്തുന്നതു്. ഇങ്ങിനെ ഒരു ബിൽ ഇല്ലാത്തകാലത്തുതന്നെ കുടിയാന്മാർ അനുഭവിച്ചുവരുന്ന ആനുകൂല്യങ്ങൾ ഈ ബില്ലു പാസായാൽ ഉണ്ടാകയില്ലെന്നു മാത്രമല്ല വളരെ ദോഷങ്ങൾ ഉണ്ടാകുമെന്നും പലസംഗതികളെക്കൊണ്ടും ഇവിടെ വെളിപ്പെടുത്തുവാൻ സാധിക്കും. യഥാർത്ഥത്തിൽ കുടിയാനോ അതോ ജന്മിക്കോ ആക്കാണു് ഫെയർ എന്നു് ഈ ബില്ലുകൊണ്ടു വെളിപ്പെടുത്തുവാൻ സാധിക്കയില്ല. എങ്കിലും ജന്മിക്കു വളരെ ഫെയറായ ഒരു ബില്ലാണിതു്. (ഹിയർ, ഹിയർ). മലബാർ ആക്ടിൽ കുടിയാനു ഇണമായി ക/ങ പറഞ്ഞിട്ടുള്ളതിനു പകരം ഇവിടെ ക/ര ആണു് പറഞ്ഞുകാണുന്നതു്. മലബാറിൽ ക/ര പോരാ എന്നു പറഞ്ഞിട്ടു് ഇപ്പോൾ അവിടെ ഒരു ജന്മികുടിയാൻ കമ്മിറ്റി രൂപീകരിച്ചു് എൻക്വയറി നടത്തി തെളിവു ശേഖരിച്ചുകൊണ്ടിരിക്കുന്നുണ്ടു്. അവിടെ ക/ങ പോരാ എന്നു് അവർ വാദിക്കുന്നു. ഇപ്പോൾ ഇവിടെ കൊണ്ടുവന്നിരിക്കുന്ന വലിയ രക്ഷ ക/ര ആണു്.

മലബാറിൽ ൪൦ ശതമാനം കുടിയാനു കൊടുക്കണമെന്നാണു് അവരുടെ വാദം. അതിനു പകരം ഇവിടെ ൫൦ ജന്മിക്കു കൊടുക്കണമെന്നാണു്

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ഈ ബില്ലിൽ പറഞ്ഞിരിക്കുന്നതു്. നിലത്തെ സംബന്ധിച്ചിടത്തോളം ഇവിടെ നഞ്ച, പുഞ്ച എന്നൊക്കെ പറയുന്നുണ്ടെങ്കിലും കൊച്ചിരാജ്യത്തിൽ ഏകദേശം പതിനാറായിരത്തിൽപരം ഏക്കർ കോൾ നിലം മനക്കോടി കായലിൽ തന്നെ കൃഷി ചെയ്യുന്നുണ്ടു്. കോൾകൃഷിക്കു് എഞ്ചിൻ വെച്ചു് വെള്ളം വറ്റിക്കുന്നതിനും വരമ്പു മാട്ടത്തിനും ഒരു പറക്കു് ൨ ൾ ഉറപ്പികയും ൩ ഉറപ്പികയും ചിലവുണ്ടു്. പിന്നെ വിത്തിന്റെയും മറ്റു പണികളുടേയും ചിലവു വേറേയും ഉണ്ടു്. അങ്ങിനെ വരുമ്പോൾ വൊമ്പാട്ടക്കുടിയാനും ധനവാനുമായ ഒരുവൻ നടിക്കുവാൻ കുറെ വൊമ്പാട്ട കോൾനിലം മാത്രം മതി

ഇനി പറമ്പിന്റെ കാര്യത്തിൽ അതായതു് ഗവൎമ്മെൻറുവക തെങ്ങിൽ നിന്നുള്ള വരവിനെസംബന്ധിച്ചു് ഇന്നു് ഗവൎമ്മെണ്ടു് ഒരു കണക്കു പറഞ്ഞിട്ടുണ്ടു്. ൪ ൫ ൬ ഉറുപ്പിക ഒരു വൃ ൈ ഗവൎമ്മെൻറുവക വസ്തു തെങ്ങിനു വരവുണ്ടെന്നാണു പറയുന്നതു്. എന്നാൽ ആ സ്ഥലത്തിന്റെ നികുതി അതിൽ പെടുത്തീട്ടില്ല. ഇതു് സൎക്കാരിൽനിന്നു നടത്തുന്ന തോട്ടത്തിന്റെ കാര്യമാണു്. ഒരു കുടിയാന്റെ കാര്യത്തിൽ ഒരു ഏക്കർ സ്ഥലത്തുള്ള തെങ്ങുകൾക്കു് ഉദ്ദേശം ൩ ഉറുപ്പികയേലധികം പ്രയത്നച്ചിലവു വരും. മലബാർ ടെനൻസി ആക്ടിൽ പറഞ്ഞിരിക്കുന്നതു് ൨/൩-ം, ഈ ബില്ലിൽ കാണുന്നതു് ൩/൪-ം ആണു്. അവിടെ ഇതു് ഭേദപ്പെടുത്തുവാനായി കമ്മിറ്റി എൻകയറി നടത്തിക്കൊണ്ടാണിരിക്കുന്നതു്. അവിടെ ചെത്തുതെങ്ങുകളെ സംബന്ധിച്ചിടത്തോളം സാധാരണ തെങ്ങുകളെപ്പോലെയാണു് കണക്കാക്കിട്ടുള്ളതു്. ഇവിടെ ചെത്തുതെങ്ങുകൾക്കു പ്രത്യേകമായ പാട്ടം കണക്കാക്കുമെന്നാണു പറഞ്ഞിരിക്കുന്നതു്. ജന്മിക്കു കൊടുക്കുന്നതു കൂടാതെ വ്യവസ്ഥപ്രകാരം ട്രിട്ടക്ലായി ഗവൎമ്മെണ്ടിനും കൊടുക്കേണ്ടിവരുമ്പോൾ, നിയമമനുസരിച്ചു് കണക്കാക്കിനോക്കിയാൽ ഒരു തെങ്ങിൽനിന്നു് കിട്ടുന്ന നാളികേരത്തിന്റെ വരവിലും കുറവായിരിക്കും ഒരു ചെത്തുതെങ്ങിൽനിന്നും കിട്ടുന്ന പിരിവു്. ഇനി വസ്തു ഒഴിപ്പിക്കുന്നതിനു ചേൎത്തിട്ടുള്ള വ്യവസ്ഥകളെപ്പറ്റി ആലോചിക്കാം. മിസ്റ്റർ എം. കെ. ദേവസ്സി പറഞ്ഞതുപോലെ ഒരു അവിഭക്തകുടുംബത്തിൽ വളരെ ആളുകളുണ്ടെങ്കിൽ വസ്തു ഒഴിപ്പിച്ചെടുക്കുവാൻ യാതൊരു പ്രയാസവുമില്ലാത്തതാണു്. എ. യുടെ ഭൂമി ബി. പാട്ടത്തിട്ടപ്രകാരം കൈവശം വച്ചിരിക്കുമ്പോൾ ബി. യുടെ കയ്യിൽ നിന്നും എ. ക്കു് സ്വന്തം ശ്രമം കൊണ്ടു് ആ വസ്തു ഒഴിപ്പിച്ചെടുക്കാം. സി. ക്കു് പാട്ടത്തിനു"കൊടുക്കുവാൻ എ. തീരുമാനിച്ചിരിക്കുന്നു. എന്നാൽ അതു് റജിസ്റ്റർ ആധാരപ്രകാരം ആയിരിക്കുകയില്ല. വാക്കാൽ പറഞ്ഞിട്ടുള്ളതായിരിക്കും. ആരെങ്കിലും ചോദിച്ചാൽ നിങ്ങൾ എന്റെ കാര്യസ്ഥനാണെന്നു മാത്രമേ പറയാവൂ എന്നു പറഞ്ഞിട്ടാണു് ആ വസ്തു സി. യെ ഏല്പിക്കുന്നതു്. അങ്ങിനെ മൂന്നു കൊല്ലം നടന്നതിനു ശേഷം നാലാമത്തെ കൊല്ലം സി. യെക്കൊണ്ടു് എ. ക്കു് ഒരു പാട്ടച്ചീട്ടു് എഴുതിക്കുവാൻ സാധിക്കും. മൂന്നു കൊല്ലം തുടൎച്ചയായി എ. കൃഷി ചെയ്യാതിരുന്നാൽ ബി. ക്കു് ആ വസ്തു മടക്കി മേടിക്കുവാൻ സാധിക്കുമെന്നാണു" ഇതിൽ പറയുന്നതു". ഇതു് വളരെ അപകടമായ ഒരു സംഗതിയാണു". തരിശായിട്ടു കിടക്കുന്ന ഭൂമിക്കു് ഈ നിയമപ്രകാരം പാട്ടം കൊടുക്കേണ്ടതാണെന്നു കാണുന്നു. ഈ ബില്ലുപ്രകാരമാണെങ്കിൽ വാസ്തവത്തിൽ കോൾകൃഷിക്കാർ തവിടുപൊടിയാകുമെന്നുള്ളതു ബഹുമാനപ്പെട്ട റവന്യൂ മെമ്പൎക്കു തന്നെ നല്ലവണ്ണം അറിയാം. കോൾകൃഷിയെപ്പറ്റി ഈ കൌൺസിലിൽ വല്ലതും പറയുന്നതല്ലാതെ തെക്കൻരാജ്യത്തുള്ളവൎക്കു് എന്തെങ്കിലും അറിയാ

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മൊ എന്നുള്ള കാര്യം സംശയമാണ്. ൪,൦൦൦ പറക്ക നിലമുള്ള ഒരു കോഠം പടവിൽ ൪,൦൦൦ പറക്ക നിലം ഒരു ജന്മിക്കും ൫,൦൦൦ പറക്ക നിലം ഒരു വെറുമ്പാട്ടക്കുടിയാനുമാണെന്നു വിചാരിക്കുക. ജന്മിയുടെ നിലം തരിശിട്ടാൽ ൫,൦൦൦ പറക്ക നിലമുള്ള കുടിയാനു് തനിച്ചു് ആ പടവിലെ വെള്ളം വറ്റിച്ചു കൃഷിചെയ്യാൻ സാധിക്കാതെവരുന്നു. കുടിയാന്റെ പാട്ടഭൂമി തരിശിട്ടാൽ പാട്ടം കൊടുക്കണമെന്നു് ഈ ബിൽ ശാസിക്കുന്നു. അങ്ങിനെവരുന്നപക്ഷം ആ കുടിയാനു വേറെ വസ്തുക്കൾ ഉണ്ടെങ്കിൽ അതെല്ലാം പാട്ടബാക്കിക്കു ഹോമിക്കേണ്ടതായിവരും. അതുകൊണ്ടു് ഇങ്ങിനെയുള്ള പല സംഗതികളും വളരെ ഗൌരവമായിട്ടു് ആലോചിക്കേണ്ടതുണ്ടു്. ജനങ്ങളെ വ്യാമോഹിപ്പിക്കുവാൻ വേണ്ടി മലബാറിലെ ടെനൻസി ആക്ടിന്റെ രീതിയിൽ, നമ്മുടെ നാട്ടിന്റെ നട്ടെല്ലായ വെറുമ്പാട്ടക്കുടിയാന്മാരെ രക്ഷിക്കുവാനാണെന്നുള്ള വ്യാജേന ഈ ബില്ല കൊണ്ടുവന്നിട്ടുള്ളതാണെങ്കിൽ ഇതിനെ എതിർക്കാതെ തരമില്ല. കുടിയാന്മാർക്കു ശരിയായ രക്ഷനൽകണമെന്നുള്ളതാണു് ശവമ്മെണ്ടിന്റെ യഥാർത്ഥമായ ഉദ്ദേശമെങ്കിൽ ഇതിൽ സാരമായ പല ഭേദഗതികളും വരുത്തുവാനുണ്ടു്. ഈ കാര്യത്തിൽ ശവമ്മെണ്ടു് പ്രത്യേകം ശ്രദ്ധവെക്കണം. ദിവാൻജിയവർകൾക്കു് ഈ നാട്ടിലെ വെറുമ്പാട്ടക്കുടിയാന്മാരുടെ സങ്കടങ്ങൾ നല്ലവണ്ണം അറിയുവാൻ കഴിഞ്ഞിട്ടില്ല. അതുകൊണ്ടു് ഈ വക സംഗതികളെപ്പറ്റി ദിവാൻജിയവർകളെ മനസ്സിലാക്കേണ്ട ചുമതലയും ശവമ്മെണ്ടിനുണ്ടു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: സർ, നിയമം അറിയാവുന്ന യോഗ്യന്മാർ ഇതിനെപ്പറ്റി ഇവിടെ പറഞ്ഞുകഴിഞ്ഞിട്ടുണ്ടു്. ആ സംഗതികളൊന്നുമല്ല എനിക്കു പറയുവാനുള്ളതു്. ഈ ബില്ലിന്റെ അവതരണത്തിൽ അടങ്ങിയിരിക്കുന്ന ഒരു സംഗതിയെക്കുറിച്ചു് പ്രധാനമായി നമുക്കു നോക്കുവാനുണ്ടു്. ഈ ബിൽ ദിവാൻപേഷ്കാരെക്കൊണ്ടു് അവതരിപ്പിച്ചതു് അഡ്വക്കേറ്റു് ജനറൽ ഒരു ജന്മിയായതു കൊണ്ടായിരിക്കണം. ദിവാൻപേഷ്കാരവർകൾ രണ്ടു സംഗതികൾ ഇവിടെ സാധിച്ചിട്ടുണ്ടു്. ഈ ബിൽ ശവമ്മെണ്ടു് അഡ്വക്കേറ്റു വർകൾ അവതരിപ്പിച്ചിരുന്നെങ്കിൽ ഇതിലും അധികം ജന്മികൾക്കു അനുകൂലമാക്കുവാൻ സാധിക്കുമായിരുന്നില്ല. ദിവാൻപേഷ്കാരവർകളുടെ പ്രസംഗത്തിൽ കുടിയാൻ ഭാഗത്തേക്കു് അനുകൂലമായ ഒരു സൂചനയും അടങ്ങിയിട്ടുണ്ടു്. മി. ലോഗൻ ൫ കൊല്ലം മുമ്പെ എടുത്ത നിലവരെ പോകാനെ മലബാർ ബില്ലിനു സാധിച്ചിട്ടുള്ളു എന്നാണു് പേഷ്കാർ പറഞ്ഞതു്. ഇവിടെ ഇപ്പോൾ അത്രമാത്രംകൊണ്ടു തൃപ്തിപ്പെട്ടുകൂടാ എന്നായിരിക്കണം പേഷ്കാരുടെ സൂചന.

എനിക്കു് വേറെ ഒരു സംഗതി പറയുവാനുണ്ടു്. പോളണ്ടിൽ ൫ ഏക്കർ സ്ഥലവും ഒരു കാളയും.....

മിസ്റ്റർ ടി. വി. സുബ്രഹ്മണ്യയ്യർ: കാളയല്ല, പശുവാണു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: പശു തന്നെയാകട്ടെ. ൫ ഏക്കർ സ്ഥലവും ഒരു പശുവും കിട്ടിയപ്പോൾ ജനങ്ങൾ അക്രമണത്തിനു ചെന്നവരുടെ ഭാഗം ചേരുകയുണ്ടായി. സ്വരാജ്യമൊ മാതൃഭൂമിയൊ പിതൃഭൂമിയൊ ഒന്നും അവർ നോക്കിയില്ല. അങ്ങിനെയുള്ള സ്ഥിതിഗതി ഇവിടെ അഥവാ വന്നാൽ ഒരേക്കർ ഭൂമിയും ഒരു ആടുമെങ്കിലും മതിയെന്നു പറയുന്ന മാതിരി മനസ്ഥിതി ഇവിടെയുള്ളവർക്കുണ്ടാകുവാൻ ഇടവരുത്തരുതു്.

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ഒരു വാക്കു കൂടി പറയുവാനുണ്ടു്. ഇവിടെ മെമ്പർമാർ ബില്ലിനേക്കാൾ നല്ലതായ ഒരു ബിൽ വരുന്നില്ലെങ്കിൽ ഇവിടത്തെ കഷ്ടകന്മാക്കു് ആവശ്യമായ രക്ഷ ചെയ്യുവാൻ സാധിക്കയില്ല. അതുകൊണ്ടു് ഈ ബില്ലു് സിലക്ടുകമ്മിറ്റിക്കയക്കുമ്പോൾ അതിലെ മെമ്പർമാർ ഇതിന്റെ അലകും പിടിയും മാറ്റിട്ടു് ശരിയായ ഒരു ബില്ലായിട്ടു വേണം ഇവിടെ കൊണ്ടുവരുവാൻ എന്നു മാത്രമേ എനിക്കു പറയുവാനുള്ളു.

ADJOURNMENT MOTION

The abolition of the Debt Conciliation Board

Mr. A. Eachara Menon *(Chittur-Rural):* Sir, my motion was that the business of the House may be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the proposed abolition of the Debt Conciliation Board. It is said in the Gazette that the life of the Board is to end on the 28th of Vrischigam. Therein it is said that the amount involved in the conciliation hitherto is five lakhs of rupees, that is about two lakhs per year. The expense to the Government is only about Rs. 5,000 for these 2½ years. This is not very high. 444 cases were dismissed for default. This shows the financial position of those who have given petitions. Other Governments like the Mysore Government think of giving the power of scaling down debts to their Board. Our Government, for reasons which they have published, thought it necessary to abolish the Board. I think this Board, if constituted in the northern parts of the State, would work beautifully well. Here the tenants are very poor and the holdings very small. They hold small bits of land and hence they find it very difficult to carry on their cases before the Board. What I propose is that this Board should not now be abolished but it should be sent to the northern parts of the State and tried before the Government come to the conclusion that this should be abolished. The Board is working beautifully well in Coimbatore where there were two Sub-Judges and two Munsiffs but now only one each. I shall reply after I hear the Government member.

Mr. Puthur Achyuta Menon *(Kattur):* Sir, I rise to oppose the motion moved by the hon'ble member. In opposing it, Sir, I humbly request the Government not to think that I am always a man against conciliation. From the Budget Session of 1114 onwards, I used to demand with the maximum eloquence at my command that more powers should be given to the Debt Conciliation Board. If Government are not prepared to give more powers to the Debt Conciliation Board, there is no necessity of spending more money on it. That was the argument I placed before this House from the very first moment I entered this Council. Within this short period of two years, I can positively bring to the notice of the House that the

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people. I do not think anybody will be sorry for the abolition of the Board. Government rightly abolished it. What we want is some means of currency by which people who possess lands in Cochin will be able to circulate their only property in the land as freely as they can circulate money. With these words, I would support the Government for the abolition of the Board, but at the same time I would request the Government to consider a bold scheme by which they can give a relief to the people.

Mr. A. Eachara Menon *(Chittur-Rural):* I withdraw the motion.

Motion by leave withdrawn.

The Cochin Cultivating VerumpattamdarsBill—(cont.)

മിസ്റ്റർ സി. വി. ഇയ്യു: മിസ്റ്റർ പ്രസിഡണ്ട് സർ, വെറുമ്പാട്ടക്കാരുടെ രക്ഷയ്ക്കുവേണ്ടി ഗവമ്മെണ്ടിൽനിന്നു അവതരിപ്പിച്ചിട്ടുള്ള ഈ ബില്ലിന്മേൽ വാദപ്രതിവാദത്തിന്നിടയിൽ മലബാറിലെ ബില്ലും കൊച്ചിയിലെ ബില്ലുമായിട്ടുള്ള താരതമ്യം വളരെ വിശദമായി എന്റെ മുമ്പിൽ പ്രസംഗിച്ച ബഹുമാനപ്പെട്ട മെമ്പർമാർ പറഞ്ഞിട്ടുള്ളതുകൊണ്ടു അതിനെക്കുറിച്ചു അധികമൊന്നും താൽപര്യമെനിക്കു പറയാനില്ല. കുടിയാന്മാരുടെ രക്ഷയുടെ കാര്യത്തിൽ ബ്രിട്ടീഷ് മലബാറിനേക്കാൾ കൊച്ചി രാജ്യമാണ് മുന്നിട്ടുനിന്നിട്ടുള്ളതു. ഫാൻറാമണ്ടിൽതന്നെ ഇതിനെ പുരസ്കരിച്ചു ഒരു ബിൽ ഇവിടെ പാസ്സാക്കുകയും അതു നിയമമായിട്ടു നടപ്പിൽ വരുത്തുകയും ചെയ്തു. അതിൽപിന്നെ വളരെക്കാലം കഴിഞ്ഞതിനുശേഷമാണ് മലബാറിൽ ഇങ്ങിനെ ഒരു നിയമമുണ്ടായതു. എന്നാൽ മലബാറിലെ നിയമത്തിൽനിന്നു കൃഷിക്കാരായ വെറുമ്പാട്ടക്കാർക്കു ഭൂമിയിൽ സ്ഥിരാവകാശം കൊടുക്കുന്ന കാര്യത്തിലാണ് നമ്മൾ പിന്നോക്കം നില്ക്കുന്നതു. മലബാറിൽ ഇന്നു നടപ്പിൽ വന്നിരിക്കുന്ന നിയമം കർഷകലോകത്തിനു ഗുണകരമല്ലെന്നു തെളിഞ്ഞിരിക്കുന്ന ഈ അവസരത്തിൽ അതുപോലെതന്നെ കർഷകർക്കു ഗുണകരമല്ലാത്ത ഒരു ബിൽ ഇവിടേയും പാസ്സാക്കണമെന്നുള്ള അഭിപ്രായത്തോടു യോജിക്കുന്ന കാര്യത്തിൽ എനിക്കു വിസമ്മതമുണ്ട്. ഇവിടെ കാർഷികാശ്വാസ ബിൽ പാസ്സാക്കി കഴിഞ്ഞതിനുശേഷം ക്രെഡിറ്റ് ബോണ്ടുമൂലം കർഷകരെ സഹായിക്കാരതതിനുള്ള ഒരു പദ്ധതി ഗവമ്മെണ്ടിൽനിന്നു രൂപീകരിച്ചുവരുന്നു. എന്റെ മുമ്പു സംസാരിച്ച ബഹുമാനപ്പെട്ട മട്ടാഞ്ചേരി മെമ്പർ മിസ്റ്റർ സേലം ഇതിനെക്കുറിച്ചു വിശദമായി ഇവിടെ പ്രസ്താവിച്ചു കഴിഞ്ഞിട്ടുണ്ടല്ലൊ. ഈ വെറുമ്പാട്ട കുടിയാൻ ബിൽ അതുപോലെ ഒരു ക്രെഡിറ്റ് ബോണ്ടുകൊണ്ടു യഥാർത്ഥത്തിൽ കർഷകരെ സഹായിക്കാത്ത ഒരു ബില്ലായി ഈ നിയമസഭയിൽ അവതരിപ്പിച്ചിരുന്നെങ്കിൽ കൊച്ചിയിലെ കർഷകലോകത്തിനു അഭിമാനമായും ഇൻഡ്യയിലെ കർഷകർക്കാകമാനം അനുകരണയോഗ്യമായും ഭവിക്കുമായിരുന്നു. ഓരോ കൃഷിക്കാരനും അവൻ കൃഷി ചെയ്യുന്ന ഭൂമിയുടെ യഥാർത്ഥ ഭൂമി ഉടമസ്ഥനായി പരിണമിക്കത്തക്കവണ്ണം ഒരു ബില്ലായി ഇതു നിയമസഭയിൽ വന്നിരുന്നുവെങ്കിൽ അതു കൊച്ചിയിലെ പൊതുജനലക്ഷത്തിനും കൊച്ചി ഗവമ്മെണ്ടിനും ഈ നിയമസഭാ മെമ്പർമാർക്കും വളരെ അഭിമാനകരമായി തീരുമായിരുന്നു. ഈ നിയമസഭയിൽ കൃഷിക്കാരുടെ ഉറ്റ ബന്ധുക്കളെന്നു

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വിചാരിക്കുന്നമെമ്പറന്മാർ കർഷകരുടെ ഈ അവകാശത്തിനായി യാതൊന്നും പ്രതിപാദിക്കുന്നതായി കേട്ടിട്ടില്ല. മലബാറിലെ ബില്ലിനെ അനുകരിക്കാതെ വേറൊരു രൂപത്തിൽ ഒരു പുതിയ ബില്ലുണ്ടാക്കി മലബാറുകാർക്കു അനുകരിക്കുന്നതുകൊണ്ടുവരേണ്ടിയിരുന്നതു്. ഈ തരത്തിലുള്ള ഒരു ബിൽ സിലക്ടു് കമ്മിറ്റിക്കയയ്ക്കണൊ എന്ന കാര്യം സംശയകരമാണു്. കൊച്ചിരാജ്യമൊട്ടുക്കുള്ള കർഷകരുടെ സ്ഥിതിയെപ്പറ്റി ഒരന്വേഷണം നടത്തി കർഷകനെ വസ്തുവിന്റെ പൂർണ്ണ ഉടമസ്ഥനാക്കിത്തീർക്കുമ്പോൾ കാണക്കാരനേയും ജന്മിയേയും ബഹിഷ്കരിക്കുന്നതുകൊണ്ടും, കർഷകൻ കൊടുത്തു തീർക്കേണ്ടതായ പ്രതിഫലം അമ്പതോ അഥവാ എഴുപത്തഞ്ചോ കൊല്ലം കൊണ്ടു പല തുല്യഗഡുക്കളായി അടച്ചുതീർക്കത്തക്ക നിലയിൽ ഒരു പദ്ധതിയാണു് ശവമ്മെണ്ടു് അംഗീകരിക്കേണ്ടിയിരിക്കുന്നതു്. ഈ അഭിപ്രായം ഇന്നല്ലെങ്കിൽ നാളെ നടപ്പിൽ വരാതിരിക്കയില്ലെന്നാണു് എന്റെ അഭിപ്രായം. ഇൻഡ്യയിൽ ഇതിനു നടപ്പിൽ വരാൻ അധികം താമസം വേണ്ടിവരികയില്ല. ഇന്നു എനിക്കു ജന്മികളോടു ഉപദേശിക്കാനുള്ളതു് ഇതാണു്:—"കർഷകന്മാക്കു ഇണങ്ങുമായ എന്തെങ്കിലും വ്യവസ്ഥകൾ ഇപ്പോൾതന്നെ സ്വീകരിക്കുക" എന്നതാണു്. ഈ ബില്ലിനെക്കുറിച്ചു അധികമൊന്നും പറയാനില്ല. ഞാൻ ഇതിന്റെ മൂലതത്വത്തോടു യോജിക്കുന്നു. ശവമ്മെണ്ടിന്റെ സദുദ്ദേശത്തിൽ ശവമ്മെണ്ടിനെ അഭിനന്ദിക്കാതെ നിവൃത്തിയില്ല. കർഷകർക്കു എന്തെങ്കിലും ഇണം ചെയ്യണമെന്ന മനസ്ഥിതിയാണു ശവമ്മെണ്ടിനുള്ളതു്. പക്ഷെ അതിനു ഈ ബില്ലുംകൊണ്ടു പുറപ്പെട്ടിരിക്കുന്നതു് ശരിയായില്ലെന്നേയുള്ളു.

മലബാറിലെ ആക്ടിൽ കസ്റ്റമറി വെറുമ്പാട്ടക്കാരെക്കുറിച്ചു പറയുന്നുണ്ടു്. ഇവിടെ അവരുടെ കാര്യം യാതൊന്നും പറയുന്നില്ല. ഇവിടേയും അത്തരം വെറുമ്പാട്ടക്കാരുണ്ടു്. തലപ്പിള്ളി താലൂക്കിൽ പോക്കളം വില്ലേജിൽ സാമൂതിരി രാജാവിന്റെ വസ്തുക്കളും മുഴവനും ഈ വിധത്തിലുള്ളവയാണു്. മലബാറിലെ ബിൽകൊണ്ടു customary വെറുമ്പാട്ട കുടിയാനും കൃഷിചെയ്യുന്ന വെറുംപാട്ട കുടിയാനും കിട്ടുന്ന ഇണങ്ങളും ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന ഈ ബില്ലിൽ ഇല്ലെന്നതന്നെയല്ല ജന്മികൾക്കു കിട്ടാനുള്ളതിലിരട്ടി കുടിയാനിൽനിന്നു ഈടാക്കുന്നതിനും കൂടി സെക്ഷൻ നൽകുന്നുണ്ടു്.

പിന്നെ ഇവിടത്തെ ബില്ലിൽ കുടിയിരുപ്പുകാരെപ്പറ്റി യാതൊന്നും പറഞ്ഞുകാണുന്നില്ല. അവക്കുകൂടി എന്തെങ്കിലും നന്മ ചെയ്തുകൊടുക്കണം. ഈ ബിൽ സിലക്ടു് കമ്മിറ്റിക്കു വരികയാണെങ്കിൽ കമ്മിറ്റി മെമ്പർമാരിലൊരാൾ ഒരു ധനതത്വശാസ്ത്രവിശാരദൻ കൂടി ആയിരിക്കണം. അതു സെൻറ് തോമസ് കോളേജിലേയൊ മഹാരാജാസ് കോളേജിലേയൊ Economics പ്രഫസറായിരിക്കണം. പിന്നെ ഭൂമി നിയമനങ്ങളെ നല്ലവണ്ണം വ്യാഖ്യാനിക്കാവുന്ന ഒരു നിയമജ്ഞനെ കൂടി നിയമിക്കണം. ദേവസ്വം കുടിയായ്മയെക്കുറിച്ചു ബഹുമാനപ്പെട്ട മൂളകുന്നത്തുകാവ് മെമ്പർ പറഞ്ഞതിൽ കൂടുതലായി ഒന്നും പറയാനില്ല. ഞാൻ കാഷ്ഠികാശ്രമ ബില്ലിനു ഒരു ഭേദഗതി അയച്ചിരുന്നു. അതിൽ Future പാട്ടത്തെപ്പറ്റി എന്തെങ്കിലും ഒരു കുറവു വരുത്തണമെന്നു് പറഞ്ഞിരുന്നു. സാധനങ്ങൾക്കു വില വളരെ കുറഞ്ഞിരിക്കുന്ന ഈ കാലത്തു കുറഞ്ഞപക്ഷം പണമായി കൊടുക്കാനുള്ള പാട്ടത്തിൽ ¼ എങ്കിലും കുറവു ചെയ്യണം. ഈ ബില്ലിൽ എല്ലാ കുടിയാനോടും സംബന്ധമുഴുവനും ജന്മിക്കു ചോദിക്കാനുള്ള അവകാശമുണ്ടു്. എന്നാൽ ഇപ്പോൾ നടപ്പിലിരിക്കുന്ന കർഷകാശ്രമ ബില്ലിലെ വ്യവസ്ഥ അനുസരിച്ചു വെട്ടിക്കാ

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ച്ച സംഖ്യ മുഴവനും കൊടുത്തുതീർത്ത കടിയാനോട് അവൻ ഡിഫാൾട്ടർ ആകാതിരിക്കുന്നിടത്തോളം കാലം മുദ്രാദ പാട്ടം ആവശ്യപ്പെടാൻ പാടില്ല.

ഒടുവിലായി ഈ സഭയിലെ രണ്ടു കോൺഗ്രസ്സു കക്ഷികളോടും എനിക്കു പ്രത്യേകം ഒന്നഭ്യർത്ഥിക്കാനുണ്ട്. കാഷ്ഠികാശ്വാസ ബില്ലിനോട് പ്രവൃത്തിച്ച മാതിരിയുള്ള അലസത ഈ ബില്ലിനോടും കാണിക്കരുതെന്നാണ്. കാഷ്ഠികാശ്വാസ ബിൽ ഈ നിയമസഭയിലവതരിപ്പിച്ചപ്പോൾ രണ്ടു കക്ഷിയിലേയും മെമ്പർമാരിൽ കണ്ടിരുന്ന ശൈരവം, സിലക്ട് കമ്മിറ്റിയിൽ പോയി വന്നപ്പോൾ എവിടെ പോയി എന്നറിഞ്ഞുകൂടാ. ആദ്യം ബിൽ വന്നപ്പോൾ ജനങ്ങൾക്കുവേണ്ടി ശക്തിയായി പ്രസംഗിച്ച മെമ്പർമാർ ബിൽ സിലക്ട് കമ്മിറ്റിയിൽ പോയി വന്നപ്പോൾ ആ കഥ വിസ്മരിച്ചു പോയതുപോലെ കാണുകയുണ്ടായി. അന്നത്തെ മാതിരി ഈ ബില്ലും സിലക്ട് കമ്മിറ്റിയിൽനിന്നു മടങ്ങി വരുമ്പോൾ പ്രവൃത്തിക്കരുതെന്നും ന്യൂനപക്ഷക്കാരായ സ്വതന്ത്രരായ ഞങ്ങളെ മാത്രം എതുക്കാനായി വിടാതെ ജനങ്ങൾക്കുപകാരപ്രദമായ രീതിയിൽ ഈ ബിൽ പാസ്സാക്കണമെന്നും കൊച്ചിയിലെ പൊതുലക്ഷങ്ങൾക്കു വേണ്ടി അഭ്യർത്ഥിച്ചുകൊണ്ടു ഞാൻ വിരമിക്കുന്നു.

മിസ്റ്റർ ബി. എം. പീറാർ : സർ, കൊച്ചിയിൽ കാർഷികാശ്വാസ ബിൽ വരുന്നുവെന്നു കേട്ടപ്പോൾ ജനങ്ങളിൽ കണ്ടിരുന്ന ഉത്സാഹവും സന്തോഷവും, അതു നടപ്പായതിനു ശേഷം ജനങ്ങളിൽനിന്നു എങ്ങിനെ മാഞ്ഞുപോയിട്ടുണ്ടെന്നു, ഇതിനകം കൊച്ചിയിലെ പൊതുജനങ്ങളും ബഹുമാനപ്പെട്ട ശവമേനോനും ശരിക്കു മനസ്സിലാക്കീട്ടുണ്ടെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഇതുപോലെയാണ ഇപ്പോൾ നമ്മുടെ മുമ്പാകെ കൊണ്ടുവരപ്പെട്ടിരിക്കുന്ന വെറും പാട്ടകുടിയാൻ ബിൽ. കുടിയാന്മാക്കു ശരിയായ പരിരക്ഷ നൽകണമെന്നുള്ള സദുദ്ദേശത്തോടുകൂടി ശവമേനോൻ ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതായിരിക്കാം. എന്നാൽ ബില്ലിന്റെ ഓരോ ഖണ്ഡികയും പരിശോധിച്ചാൽ ആ സദുദ്ദേശത്തെ പാടെ ധ്വംസനം ചെയ്യുന്നതുണ്ട്. കൊച്ചിയിലെ കർഷകലോകം ഇന്നനുഭവിക്കുന്ന ദുരിതങ്ങൾ അവർക്കു വസ്തുക്കളിൽ സ്ഥിരാവകാശം കിട്ടാത്തതുകൊണ്ടൊന്നുമല്ല. നേരെമറിച്ചു അവരനുഭവിക്കുന്ന സങ്കടങ്ങൾക്കു കാരണം അവരുടെ പാട്ടഭാരത്തെ താങ്ങാൻ നിവൃത്തിയില്ലെന്നുള്ളതുകൊണ്ടാണ്. ഇന്നു, സർവ്വത്ര ഉല്പന്നങ്ങളുടെ വില നൂറ്റിനു 50% കുറഞ്ഞിരിക്കുമ്പോൾ ഉല്പന്നങ്ങളിൽനിന്നു കിട്ടുന്ന ആദായംകൊണ്ടു പാട്ടം കൊടുക്കാൻ നിവൃത്തിയില്ലാതെ വരുന്നു. ഇതാണ ഇന്നത്തെ കർഷകന്റെ സങ്കടം. ഇതിനു നിവൃത്തി ഇല്ലാത്ത യാതൊരു പരിഹാരമാർഗ്ഗങ്ങളും പ്രയോജനപ്രദമാകയില്ല. ഇപ്പോൾ നമ്മുടെ മുമ്പാകെ കൊണ്ടുവന്നിരിക്കുന്ന ഈ ബില്ലിലും അതിനു യാതൊരു പരിരക്ഷയെ പ്രതിവിധികളെ പറഞ്ഞുകാണുന്നില്ല. ബില്ലിലെ പ്രധാനഭാഗം അടങ്ങിയിരിക്കുന്നതു മുദ്രാപ്പാട്ടം നിശ്ചയിക്കുന്നതിനെപ്പറ്റിയാണ്. മുദ്രാപ്പാട്ടം എന്നു പറഞ്ഞാൽ എതുതരത്തിൽ മുദ്രാദയാകാമെന്നൊരു ചോദ്യത്തിനവകാശമുണ്ട്. ഈ ബില്ലിൽ പറയുന്നതു ഫ്ലാറ്റ് ഇടവത്തിനു മുമ്പുള്ള പാട്ടശീട്ടപ്രകാരം തിട്ടപ്പെടുത്തിയിട്ടുള്ള പാട്ടത്തിൽ യാതൊരുവിധത്തിലും കുറയ്ക്കാനുള്ള ഒരധികാരം കോടതിക്കു നൽകുന്നില്ല. ഇതു കുടിയാനു കഷ്ടതയാണ്. മുദ്രാപ്പാട്ടം എന്നു പറയുമ്പോൾ ഇരുകൂട്ടരുടെ നേരെയും മുദ്രാദ പാലിക്കണം. ഇപ്പോഴത്തെ പാട്ടത്തെ കുറപ്പാനല്ലെങ്കിൽ പാട്ടം ഇനിയും കൂട്ടുവാനുള്ള ഒരധികാരം ജന്മിക്കു കൊടുക്കുന്നു എന്നല്ലെ ധരിക്കേണ്ടതു. ഇതാണൊ ബില്ലുകൊണ്ടു വിവക്ഷിക്കുന്ന മുദ്രാദ.

LIBRARY ARCHIVES Kerala Legislative Assembly

അതുകൊണ്ട് ഈ ബില്ലിന്റെ പേരുതന്നെ മാറണം. ഇതിന്ന അനുയോജ്യമായ പേർ ജന്മിബില്ലെന്നാണ്. ബ്രിട്ടീഷിലെ ബില്ലും ഈ ബില്ലും തമ്മിലുള്ള വ്യത്യാസങ്ങളെക്കുറിച്ച പലരും പറഞ്ഞുകഴിഞ്ഞതിനാൽ ഞാനിനി അതിനായി ഒരുങ്ങുന്നില്ല. എങ്കിലും ഗവർമ്മെണ്ടു ഒരു പറമ്പിൽനിന്ന കുടിയാനുണ്ടാകുന്ന ആദായമെന്താണെന്നും അവനു അനുഭവിക്കുവാൻ കിട്ടുന്ന തുക എന്താണെന്നും ഇതിന്നകം ചിന്തിച്ചിട്ടുണ്ടോ എന്നുകൂടി സംശയമാണ്. ന/ര ഭാഗം ആദായവും ജന്മിക്കും ബാക്കി ഫ/ര ഭാഗം കുടിയാനുമാണ് ഇപ്പോഴത്തെ നിയമംകൊണ്ടു വിവക്ഷിക്കുന്നതു്. ഈ കാൽഭാഗത്തിൽനിന്ന വൃക്ഷങ്ങളുടെ സംരക്ഷണച്ചിലവു, തെങ്ങുകയറ്റക്കൂലി, തേങ്ങ ഇറക്കുകൂലി, അവൻ കൊടുത്തിരിക്കുന്ന മുൻപാട്ടത്തിന്റെ പലിശ, പുരവക എന്നൊരിനം വേറെയും കഴിച്ചാൽ കുടിയാനു അനുഭവിക്കാൻ കിട്ടുന്ന തുക എന്താണെന്നുള്ളതിനെപ്പറ്റി ബഹുമാനപ്പെട്ട റവന്യു മെമ്പർ പറഞ്ഞാൽ കൊള്ളാം. ബ്രിട്ടീഷിലെ ബില്ലിൽ കാണാം അവിടെ ഒരു പറമ്പിലെ പ്രധാനഫലവൃക്ഷങ്ങളുടെ ആദായത്തെക്കുറിച്ചു മാത്രമേ പറയുന്നുള്ളുവെന്നു്. അവിടെ തെങ്ങിൻപറമ്പിനെ പറ്റിയാണെങ്കിൽ തെങ്ങിനെ മാത്രമേ ആദായനിശ്ചയത്തിൽ പെടുത്തുന്നുള്ളു. വേറെ പലേ ഫലവൃക്ഷങ്ങളും ഒരു പറമ്പിലുണ്ടാകാം. അവയൊന്നും അവിടെ കണക്കാക്കുന്നില്ലെന്നു മാത്രമല്ല ഇവിടത്തെ ന/ര ഭാഗത്തിന്ന അവിടെ ഫ/ര ആണു്. ഇവിടെ ഒരു വസ്തുവിലുള്ള പ്ലാവു, മാവു തുടങ്ങിയ വൃക്ഷങ്ങളുടെ ഫലങ്ങൾകൂടി കണക്കാക്കിയാണ് ജന്മി ഭോഗം നിശ്ചയിക്കുന്നതിന്നായി തീർച്ചയാക്കിയിരിക്കുന്നതു്. ഇതിനും പുറമെ കാണക്കുടിയാന്റെ കായ്ത്തെപ്പറ്റി യാതൊന്നും ഇവിടെ പറഞ്ഞുകാണുന്നില്ല. വെറുംപാട്ടകുടിയാന്മാർക്കു വസ്തുവിൽ സ്ഥിരാവകാശം കിട്ടുമ്പോൾ ഈ കാണക്കുടിയാന്മാർക്കു യാതൊരു പരിരക്ഷകളും നൽകിക്കാണുന്നില്ല. ബ്രിട്ടീഷിലെ ബില്ലിൽ ഇവർക്കും രക്ഷകൾ നൽകുന്നുണ്ടു്. കാണക്കുടിയാന്റെ വസ്തുവല്ലുന്നങ്ങൾക്കു വലിയ വിലയുള്ള കാലത്താണു് അയാൾക്കു കിട്ടിട്ടുള്ളതു്. ഇന്നത്തെ സ്ഥിതിക്കു വെറും പാട്ടകുടിയാനെപ്പോലെ അതിലും മോശമായതരത്തിൽ ഫ ഫ-ാംകൊല്ലത്തിൽ ഫ ഉ ഫ/ഫ ശതമാനം പൊളിച്ചെഴുത്തവകാശം നൽകണമെന്നുള്ളതു നിർത്തൽ ചെയ്യണം. അതിനുള്ള യാതൊരു വ്യവസ്ഥയും ഈ ബില്ലിലില്ല. ഈ വക കായ്ങ്ങൾക്കൊക്കെ പരിരക്ഷ നൽകത്തക്ക ഒരു ബില്ലായി സെലക്ടുകമ്മിറ്റിയിൽനിന്നു മടങ്ങിവരുന്നപക്ഷം ഞാൻ ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യുതന്നെ ചെയ്യും. അല്ലാതെ ഇന്നത്തെ രീതിയിലുള്ള ഒരു ബില്ലായിതന്നെ തിരിച്ചുവരുന്നപക്ഷം ഞാൻ എതുക്കതന്നെ ചെയ്യുകയും ചെയ്യും.

ഇങ്ങിനെ ഒരു ബിൽ വരുന്നുണ്ടെന്നു കുടിയാന്മാർ അറിഞ്ഞപ്പോൾ അവരിൽ ചിലർ എന്നോടു പറഞ്ഞതു ഞങ്ങൾക്കു് ഈ തരത്തിലുള്ള പുതിയ ബില്ലുകളൊന്നും ആവശ്യമില്ല, ഞങ്ങളുടെ സ്ഥാനത്യാഗം ചെയ്ത തമ്പുരാനായിട്ടു ഒരു നിയമമുണ്ടാക്കീട്ടുണ്ടു്, അതു് നശിപ്പിക്കാതിരുന്നാൽ മാത്രം മതി എന്നു്. അതുതന്നെയാണു് ഞാനും അപേക്ഷിക്കുന്നതു്. ആ മഹാരാജാവു തിരുമേനി ഞങ്ങൾക്കു തന്നിരിക്കുന്നതായ സംരക്ഷണവ്യവസ്ഥകൾതന്നെ നഷ്ടപ്പെടുത്താതിരുന്നാൽ മതി. അല്ലാതെ ഈ തരത്തിലുള്ള അന്തർവാഹിനിപ്രയോഗങ്ങൾകൊണ്ടു സാധുകുടിയാന്മാരെ നിങ്ങൾ നിർജ്ജീവകരാക്കുവാൻ ശ്രമിക്കുന്നുണ്ടെങ്കിൽ അതിന്റെ പ്രതിവിധി കണ്ടുപിടിച്ചു പ്രവൃത്തിപ്പാൻ ഞങ്ങളും തയ്യാറാണു്.

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Mr. M. K. Devassy *(Adur):* I move for a closure of the debate so that the Bill may be referred to a Select Committee today.

Mr. V. K. Bhaskara Menon *(Cranganur):* Other members also wish to speak. Two members have monopolised one and a half hours of today's debate.

Mr. Deputy President: We will resume the discussion on this Bill tomorrow.

The House rose for the day at 5 p.m.

C. J. MATHEW
Secretary to the Council

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